IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 4519 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI
and
Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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GSRTC

Versus

VITHTHALDAS CHAMPASHIBHAI JOBANPUTRA

Appearance:
MR YOGESH S LAKHANI for Appellant
MR MEHUL S. SHAH for Respondent No. 1 & 2

CORAM : MR.JUSTICE N.G.NANDI
and
MR.JUSTICE J.R.VORA

Date of decision: 07/05/2002

ORAL JUDGEMENT (Per : MR.JUSTICE N.G.NANDI)

1. This Appeal under Section 173 of the Motor Vehicle Act is directed against the award and judgment

dated 30th April, 1999 passed under Section 163A of the Act.

2. It is stated by Mr. Mehul S. Shah, learned advocate for respondents No. 1 and 2 - the original claimants that these respondents - original claimants would prefer to proceed with Application under Section 166 of the Act which is already pending before the Claims Tribunal and that the respondents No. 1 and 2 - original claimants be permitted to withdraw the application under Section 163A of the Act, below which the impugned order came to be passed by the Claims Tribunal on 30.4.1999.

3. It is further stated that the respondents No. 1 and 2 - original claimants would make a statement before the Claims Tribunal that they would proceed further with the application under Section 166 of the Act.

4. It is stated by Mr. Shah that application under Section 163A of the Act be permitted to be withdrawn consequently the impugned order dated 30.4.1999 would not survive.

5. In view of the above, the respondents No. 1 and 2 - original claimants are permitted to withdraw the Application under Section 163A of the Act and, therefore the impugned order dated 30.4.1999 passed in Motor Accident Claim Petition No. 403/97 becomes non est.

6. In the result, the appeal stands dismissed as having become infrcutuous with no order as to costs.

7. In view of the above, the amount deposited by the appellant - Gujarat State Road Transport Corporation is permitted to be withdrawn by the appellant.

(N.G. Nandi, J.) (J.R. Vora, J.)